

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**LYNN OXENBERG, *et al.*,**

**Plaintiffs,**

**v.**

**ALEX AZAR in his capacity as  
Secretary of U.S. Department of  
Health and Human Services,**

**Defendant.**

**CIVIL ACTION NO. 20-738**

**ORDER**

**AND NOW**, this 10th day of March 2020, after a telephone conference with counsel for the parties, it is hereby **ORDERED** as follows:

1. The parties are granted leave to file dispositive motions at any time.
2. On or before **April 2, 2020**, the parties, through counsel, shall jointly report to the Court, in writing, as to whether they wish to have a settlement conference before a magistrate judge, attempt mediation under Local Civil Rule 53.3 (a copy of which is attached hereto as Attachment A), or pursue some other form of alternative dispute resolution, for assistance in resolving the case and, if so, indicate by what date they will be prepared to commence such proceedings. This joint report should be submitted to chambers by fax (to (267) 299-5077) and not filed of record.
3. A Rule 16 scheduling conference in this case will be held by telephone conference on **Friday, April 3, 2020, at 1:30 PM**. Plaintiff's counsel shall initiate the call by contacting opposing counsel and placing the call to Chambers (267-299-7490).

Counsel should consult Judge Rufe's Policies and Procedures (available at

<http://www.paed.uscourts.gov>) prior to the teleconference. If trial counsel is attached for trial in a court of record prior to the time of the teleconference, he/she should advise the Judge and opposing counsel in writing at the earliest possible date, and another attorney in such trial counsel's office should participate in the teleconference. Any attorney participating in the teleconference shall have evaluated the case for settlement purposes and have settlement authority from the client.

Counsel should be prepared to present argument on any and all motions that are pending at the time of the teleconference. Counsel must enter his/her appearance in the case prior to the teleconference. The parties are required to confer and develop a proposed discovery plan pursuant to Federal Rule of Civil Procedure 26(f). The proposed discovery plan should also advise the Court whether the parties would like to attempt some form of alternative dispute resolution, and if so, whether they would like to do so early or at the conclusion of discovery. The Rule 26(f) report shall be filed one week prior to the scheduled teleconference.

Failure to comply with these directives may result in the imposition of sanctions. The teleconference will be continued to another date only under exceptional circumstances. It is so **ORDERED**.

BY THE COURT:

  
CYNTHIA M. RUFÉ, J.